

APR 30 2012

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| PERCIVAL NORMAN FENTON,   | ) | CASE NO. 7:12CV00106               |
|                           | ) |                                    |
| Petitioner,               | ) |                                    |
|                           | ) | FINAL ORDER                        |
| vs.                       | ) |                                    |
|                           | ) |                                    |
| UNITED STATES OF AMERICA, | ) | By: Glen E. Conrad                 |
|                           | ) | Chief United States District Judge |
| Respondent.               | ) |                                    |

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

|                           |   |                                    |
|---------------------------|---|------------------------------------|
| UNITED STATES OF AMERICA, | ) | CASE NO. 5:07CR00025               |
|                           | ) |                                    |
|                           | ) |                                    |
| vs.                       | ) | FINAL ORDER                        |
|                           | ) |                                    |
|                           | ) |                                    |
| PERCIVAL NORMAN FENTON,   | ) | By: Glen E. Conrad                 |
|                           | ) | Chief United States District Judge |
| Defendant.                | ) |                                    |

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

1. The petition for a writ of error coram nobis pursuant to 28 U.S.C. § 1651, which was docketed as a separate civil action for administrative purposes only, is **DENIED**, and the petition is also **CONSTRUED** as a motion to vacate, set aside or correct the sentence under 28 U.S.C. § 2255;
2. The Clerk is **DIRECTED** to redocket the coram nobis petition (ECF No. 1) as a § 2255 motion in Case No. 5:07CR00025;
3. The § 2255 motion is hereby **DENIED** without prejudice as successive and is **STRICKEN** from the active docket of the court; and

4. A Certificate of Appealability is **DENIED**.

**ENTER:** This 30<sup>th</sup> day of April, 2012.

A handwritten signature in black ink, appearing to read "Ismael Cruz", written over a horizontal line.

Chief United States District Judge